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8 Attorneys for Plaintiff
CHURCH OF SCIENTOLOGY
9 INTERNATIONAL

RECEIVED
SEP 25 1995
HUB LAW OFFICES

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF MARIN

12 CHURCH OF SCIENTOLOGY) CASE NO. 157 680
13 INTERNATIONAL, a California not-)
for-profit religious corporation,) [CONSOLIDATED]
14)
Plaintiff,) CHURCH OF SCIENTOLOGY
15) INTERNATIONAL'S MEMORANDUM
vs.) OF POINTS AND AUTHORITIES
16) IN SUPPORT OF EX PARTE
GERALD ARMSTRONG; DOES 1 through) APPLICATION TO SUBMIT
17 25, inclusive,) ADDITIONAL EVIDENCE IN
18) SUPPORT OF ITS MOTION FOR
19) SUMMARY ADJUDICATION OF THE
20) TWENTIETH CAUSE OF ACTION
21) OF THE SECOND AMENDED
22) COMPLAINT
23)
24) DATE: September 25, 1995
25) TIME: 9:30 a.m.
26) DEPT: 1
27)
28) TRIAL DATE: Vacated

With this application, the plaintiff Church of Scientology International seeks permission to file three additional declarations and accompanying exhibits with this Court in support of the Church's pending Motion for Summary Adjudication of the Twentieth Cause of Action. A copy of the proposed evidence is

1 submitted with this request.

2 Marin County Rule 3.13(X) provides in relevant part that,

3 All of the evidence supporting a summary judgment
4 or summary adjudication of issue motion must be
5 submitted with the moving papers. A shortcoming in
6 this submission cannot be remedied by including
7 additional evidence with the reply to the opposition,
8 except upon written ex parte application to the
9 assigned judge with notice and a showing of good cause.

10 In this matter good cause exists for the submission by
11 plaintiff of this small amount of additional evidence. The
12 pending summary adjudication motion was filed on February 23,
13 1995.¹ It seeks the imposition of a permanent injunction
14 enforcing the settlement agreement which is the basis of all of
15 plaintiff's claims.

16 On August 31, 1995, after the motion had been pending for
17 more than six months, Armstrong appeared on a radio talk show and
18 spoke about his claimed Scientology knowledge and experiences, in
19 breach of the Agreement. This is precisely the sort of activity
20 which plaintiff contends is on-going, and which a permanent
21 injunction is required to prevent. Exhibit 1 which plaintiff
22 seeks to file is a Declaration of Deborah Danos, an official of
23 the Church of Scientology of Colorado, who heard the radio
24 broadcast, and who has authenticated Exhibit 1(A), a true and
25 correct copy of a transcript of that program.

26 On September 9, 1995, Armstrong came to the exterior of the
27 Church of Scientology of San Francisco, where several protesters
28

26 ¹The delay in the hearing on this motion was through no fault of
27 plaintiff. While the motion was pending, defendant Gerald
28 Armstrong fired his lawyer, received multiple extensions of time
delaying the hearing, and finally filed a petition for bankruptcy,
which stayed the case for months.

1 had gathered. Armstrong addressed the protesters and a gathering
2 crowd for nearly 30 minutes, on the subject of his claimed
3 knowledge of and experiences with Scientology. Proposed Exhibit
4 2 is the Declaration of Jonathan Cole, a professional
5 videographer who taped Armstrong while he spoke in front of
6 Church. Proposed Exhibit 2(A) is a copy of the portion of the
7 videotape on which Armstrong can be seen and heard. Proposed
8 Exhibit 3 is a Declaration of Laurie Bartilson, who states that
9 she is familiar with Gerald Armstrong; that she watched the
10 videotape, and reviewed the transcript; and that the transcript,
11 proposed Exhibit 3(A) is a true and correct transcription of the
12 audible portions of the tape on which Gerald Armstrong appears.

13 Each of these items is directly relevant to the issues
14 before the Court. None of the items were available to plaintiff
15 for filing at the time that the summary adjudication motion was
16 filed, because they pertain to defendant's continuing activities
17 in deliberate breach of the Agreement.

18 Defendant will not be prejudiced in any way by the inclusion
19 of these exhibits. They are transcriptions of his own words.


20 Good cause therefore exists, and plaintiff's application
21 should be granted.

22 Dated: September 25, 1995

Respectfully submitted,

23 Andrew H. Wilson
24 WILSON, RYAN & CAMPILONGO

25 MOXON & BARTILSON

26
27 By: 
Laurie J. Bartilson

28 Attorneys for Plaintiff

CHURCH OF SCIENTOLOGY INTERNATIONAL

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028.

On September 25, 1995, I served the foregoing document described as CHURCH OF SCIENTOLOGY INTERNATIONAL'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EX PARTE APPLICATION TO SUBMIT ADDITIONAL EVIDENCE IN SUPPORT OF ITS MOTION FOR SUMMARY ADJUDICATION OF THE TWENTIETH CAUSE OF ACTION OF THE SECOND AMENDED COMPLAINT on interested parties in this action, by sending a true copy by hand delivery to:

FORD GREENE
HUB Law Offices
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

and by U.S. Mail to:

MICHAEL WALTON
700 Larkspur Landing Circle
Suite 120
Larkspur, CA 94939

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 25, 1995 at Los Angeles, California.

Print or Type Name

Signature